

REMARKS

In the Office Action, the Examiner rejected claims 52-68. By the present Response, Applicants have amended claims 52, 57, 63, 64, and 68. Upon entry of the amendments, claims 52-68 will remain pending in the present patent application. In light of the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

Objections to the Drawings

In the Office Action, the Examiner objected to the illustration of the lead line of reference number 66 in Fig. 7 having a solid form, thus failing to indicate the hidden nature of the element to which it refers. Although Applicants believed that corrections to the drawings were provided in a previous response, the Examiner indicated that no drawing amendments were received with the previous response. Accordingly, Applicants resubmit the amendments to drawings. Specifically, Applicants submit an amended page illustrating the amendments to the figures in red ink. Additionally, Applicants also provide a replacement page incorporating the amendments to the drawings. With the foregoing in mind, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

Objections to the Specification

In the Office Action, the Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner objected to claims 52, 57, and 63, for allegedly lacking antecedent basis in the disclosure regarding the recitation “recessed portion” in the instant claims. Although Applicants do not agree with the Examiner’s objection, claims 52, 57, and 63 have been amended for the purposes of clarification. Additionally, Applicants direct the Examiner’s attention to page 10, lines 6-11 of the application for further clarification. In light of the foregoing, Applicants respectfully request withdrawal of the Examiner’s objection.

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 61-68 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. By the present Response, Applicants have amended the instant claims. In light of these amendments, Applicants respectfully assert that the Examiner's rejections are now moot. Accordingly, withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 52-54, 56-60, 62-66, and 68 under 35 U.S.C. § 102(b) as being anticipated by the Good et al. reference (U.S. Patent No. 5,571,256). Specifically, the Examiner stated that the Good reference discloses:

a pair of rack members [that] comprises a first pair of racks (14a and 16a) located on a first side of the storage assembly...;

a first support rail (52) having a recessed portion that supports a first telescoping slide rail assembly (42a) and at least partially interposed between the first pair of racks, wherein the first telescoping slide rail assembly comprises an inner telescoping slide rail (44) that does not extends beyond the first pair of racks and mounted to the first support rail and an outer telescoping slide rail (50) mounted to the inner slide rail...; [and]

the telescoping rail member (44) being at least partially interposed between a pair of rack members (14b and 16b).

Applicants respectfully traverse the rejection. In summary, Applicants respectfully assert that the Good reference fails to disclose a recessed mounting portion that is at least partially *interposed* between a pair of rack members, as recited in the instant claims.

A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference, *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, “[t]he identical invention must be shown *in as complete detail* as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added). Therefore, if the claims recited even one feature not found in the cited reference, the reference cannot be said to anticipate the claimed subject matter. Indeed, Applicants respectfully assert that the Examiner must consider *each and every* feature recited within a claim.

With regard to the instant claims, Applicants respectfully assert that the Examiner has failed to address the fact that instant claims, in a general sense, recite mounting portions and telescopic rails that are at least partially interposed between a pair of rack members.

By way of example, a discussed embodiment the present invention in the present application provides a support rail 46 that is secured to a pair of vertical rack members 14. See Application, Fig. 9. The exemplary support rail 46 includes a central region that forms first and second mounting regions 70 and 72 that are disposed symmetrically about a longitudinal axis 74 of each rail. See *id.*, page 9, lines 18-20. Each of the mounting regions 70 and 72 of the support rails 46 is in a recessed position within the rack 14 with respect to a mounted component. See *id.*, page 10, lines 9-11; Fig. 9. Advantageously, recessing of the support rails 46 between the rack members 14 facilitates a maximum width dimension to be employed in the design of the component enclosure. See *id.*, page 16, lines 17-20. Therefore, the slide rail assemblies 44 of the exemplary embodiment extend into the component enclosure only by a dimension slightly greater than that recess

of the mounting portion, as represented by reference numeral 172 in Fig. 9 of the present application. *See id.*, page 16, lines 20-22; Fig. 9. Moreover, because of the recessed mounting regions 70 and 72, a portion of the telescopic rail assemblies 44 is *interposed* between the vertical rack members 14 to which the rail assemblies are coupled. With the foregoing in mind, Applicants demonstrate below that the Good reference does not disclose all of the features recited by the instant claims.

Independent Claim 52 and the Claims Depending Therefrom

Amended independent claim 52 recites, *inter alia*, “a support rail having a recessed mounting portion at least partially *interposed* between a pair of rack members configured to support the supporting rail” and “a telescoping rail assembly mounted to the recessed mounting portion and at least partially *interposed* between the pair of rack members.” (Emphasis added). The Good reference fails to disclose all of these recited features.

The Good reference discloses a cabinet 12 that “includes a pair of vertically extending front and rear support channels 14a, 16a on the right side of the cabinet, and a pair of vertically extending front and rear support channels 14b, 16b on the left side of the cabinet.” *See Good*, column 4, lines 34-39. The Good reference also discloses a pair of slide mount assemblies 42a and 42b that are mounted to front and rear support channels 14a, 16a on the right side of the cabinet and 14b, 16b on the left side of the cabinet, respectively. *See id.*, column 5, lines 2-5; Fig. 1. Each slide mount assembly 42a, 42b of the Good device includes a vertical base wall 54 to which a conventional telescoping slide structure 44 is mounted. *See id.*, column 5, lines 12-24; Figs. 2-3. As demonstrated by Fig. 2 of the Good reference, the base wall 54 of the support rail 46 is always *juxtaposed* to its respective rack member, e.g., 16a. For example, the support rail 46 is at all times *along side* of the support channels (e.g., 14a and 16a) to which it is mounted.

Additionally, at no time is the base wall 54 or the telescoping rail assembly 44 that are coupled to the support rail 46 of the Good device *interposed* between the respective rack members 14a, 16a to which the support rails 46 are coupled. Rather, the telescoping rail assembly 44 and the base wall 54 of the Good device are always *juxtaposed* or along side of these rack members 14a, 16a. Accordingly, the telescoping rail assembly 44 and the base wall 54 *intrude* into the area of the cabinet 12 into which the component 26 resides. See *id.*, Fig. 1. Therefore, Applicants respectfully assert that the Good reference does not disclose a recessed mounting portion or a telescopic rail assembly either of which are at least partially *interposed* between a pair of rack members as recited in the instant claims.

In view of the above remarks, Applicants respectfully assert that the Good reference fails to anticipate independent claim 52 and its respective dependent claims 53-56. In light of the foregoing remarks, reconsideration and allowance of the instant claims are respectfully requested.

Independent Claim 57 and the Claims Depending Therefrom

Amended independent claim 57 recites, *inter alia*, “first and second support rails each having a recessed mounting portion at least partially *interposed* between the first and second pair of rack members, respectively” and “first and second telescoping rail assemblies mounted to the respective recessed mounting portions such that the first and second telescoping rail assemblies are at least partially *interposed* between the first and second pair of rack members, respectively.” (Emphasis added). Applicants respectfully assert that the Good reference does not disclose all of these recited features.

As discussed above, the Good reference discloses a pair of slide mount assemblies 42a, 42b that are *juxtaposed* to the rack assembly 12 to which they are mounted.

Accordingly, the Good reference is absolutely devoid of any semblance of support rails

having recessed mounting portions that are at least partially *interposed* between a pair of rack members or a telescoping rail assembly mounted to a recessed mounting portion and at least partially *interposed* between pair of rack members, as recited in the instant claims. Rather, the base wall 54 and the telescoping rail 44 of the Good reference are always *juxtaposed* to the rack members 12 to which they are mounted, thereby wholly intruding into the component enclosure of the cabinet 12. With the foregoing in mind, Applicants respectfully assert that the Good reference fails to disclose all of the features recited in the instant claim.

Therefore, Applicants respectfully assert that the Good reference fails to anticipate independent claim 57 and its respective dependent claims 58-62. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Independent Claim 63 and the Claims Depending Therefrom

Amended independent claim 63 recites, *inter alia*, “a first support rail having a first recessed mounting portion and a second support rail having a second recessed mounting portion, wherein the first recessed mounting portion is at least partially *interposed* between the first pair of rack members and the second recessed mounting portion is at least partially *interposed* between the second pair of rack members” and “a first telescoping rail assembly mounted to the first recessed mounting portion and a second telescoping rail assembly mounted to the second recessed mounting portion, wherein the first and second telescoping rail assemblies are at least partially *interposed* between the first and second pair of rack members, respectively.” (Emphasis added). Applicants respectfully assert that the Good reference fails to disclose all of the features recited in the instant claim.

As discussed above, the Good reference discloses slide mount assemblies 42a, 42b having base wall structures 54 that are wholly *juxtaposed* to the rack members, e.g., 14a, 16a to which they are coupled. Moreover, the telescopic assemblies 44, which are coupled to the base wall 54, are also continuously *juxtaposed* to the rail assemblies 14. Accordingly, the Good reference fails to disclose any semblance of mounting portions or rail assemblies that are at least partially *interposed* with respect to a pair of rack members. Therefore, Applicants respectfully assert that the Good reference fails to disclose all of the features recited in the instant claims.

Thus, Applicants respectfully assert that independent claim 63 and its respective dependent claims 64-68 are not anticipated by the Good reference. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of the instant claims.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claim 55 under 35 U.S.C. § 103(a) as being unpatentable over the Good reference in view of the Fall et al. reference (U.S. Patent No. 3,687,505). Additionally, the Examiner rejected dependent claims 61 and 67 under the Section 103(a) as being unpatentable over the Good reference in view of the Hastings et al. reference. Applicants respectfully assert that the cited references, taken alone or in combination, do not disclose all of the features recited in the instant claims.

In the instant rejections, the Examiner relied on the Good reference as the primary reference. However, as discussed above, the Good reference fails to disclose all of the features recited in the instant claims. Neither the Fall reference nor the Hasting reference obviates the deficiencies of the Good reference, as discussed above. Accordingly,

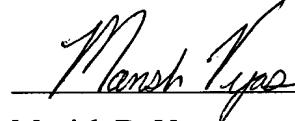
Applicants respectfully assert that dependent claims 55, 61, and 67 are patentable over the cited references not only for their dependencies on allowable base claims, but also for the additional features recited therein. In light of the foregoing remarks, Applicants respectfully request reconsideration and allowance of dependent claims 55, 61, and 67.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Annotated Sheet Showing Changes

FIG. 7

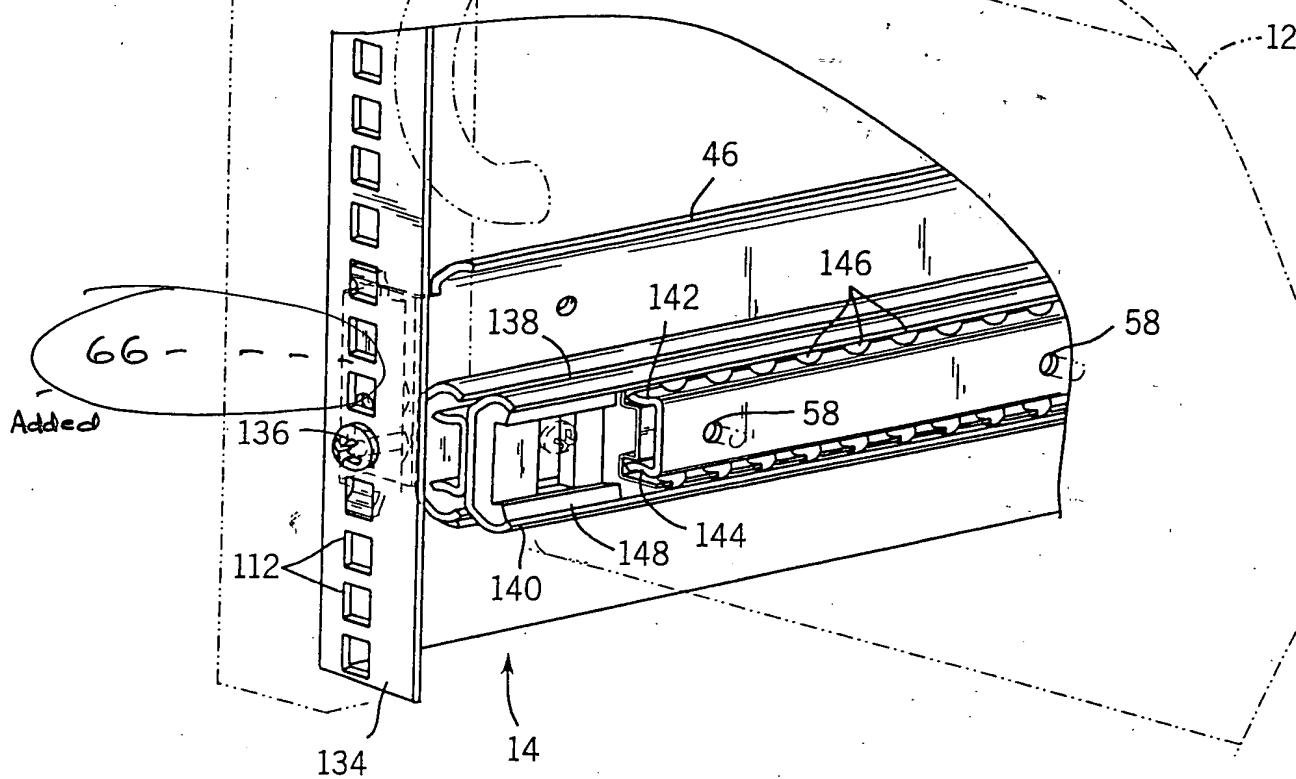


FIG. 8

